

FILED
Date _____
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Clerk _____
Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2830

House Bill No. 2418*

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 71-5-107(b), is amended by adding the following at the end of the subsection:

Persons who qualify for TennCare because they are uninsurable as a result of an existing or prior medical condition shall not be covered for organ transplants until one (1) year after they are enrolled in TennCare unless (1) they had health insurance that covered organ transplants within sixty (60) days of enrolling in TennCare, and (2) they continued major medical coverage for the maximum period allowable under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Section 2. Tennessee Code Annotated, Section 71-5-107, is amended by adding the following new subsection:

()The department shall conduct a study and attempt to determine whether TennCare enrollees, who qualify as medically needy because they are uninsurable as a result of an existing or prior medical condition, are (1) moving into this state for the purpose of receiving organ transplants, (2) being disqualified by group health programs in order to receive organ transplants, and (3) obtaining health coverage for the first time in order to receive organ transplants. The study shall include the financial impact that each of these classes of enrollees is having on the TennCare program. The department shall report the results of its study to the TennCare Oversight Committee at least thirty (30) days before the next session of the general assembly.

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Section 3. Nothing contained in this act shall be construed as applying to persons less than twenty-one (21) years of age or to persons whose TennCare eligibility is the result of eligibility for Medicaid medical assistance.

Section 4. The commissioner of health is directed to seek a new waiver or modification of the existing federal TennCare waiver from the Health Care Financing Administration, U.S. Department of Health and Human Services if necessary to effectuate the provisions of this act. This act shall become null and void if a federal waiver is necessary to implement the provisions of this act and the request for such waiver is denied.

Section 5. This act shall take effect upon becoming law, the public welfare requiring it.

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